

Remarks

Status of the Claims

Claims 58-71 are pending. Claims 58, 63-66, and 68-71 have been allowed.
Claims 59-62 and 67 are currently under consideration.

Formal matters

Claims 61 and 62 are objected to because "myocardial" is misspelled in claim 61, and "leukophoresis" is misspelled in claim 62. Applicants respectfully note that "leukophoresis" is also misspelled in claim 67. Applicants have corrected these minor typographical errors and respectfully submit that claims 61 and 62 are now in condition for allowance.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 59, 60, and 67 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as the invention.

In particular, the Examiner alleges that the phrase "such as" in claim 59 renders the claim indefinite because it is not clear whether the limitations following that phrase are part of the claimed invention. Without acquiescing in this rejection, and solely in an effort to further prosecution, Applicants have amended claim 59 to remove the phrase "such as." Applicants believe this amendment obviates the instant rejection. Accordingly, Applicants respectfully request that it be withdrawn.

The Examiner alleges that claims 60 and 67 are indefinite because they recite "inflammatory disorder" in a Markush group of inflammatory disorders, so that it is not clear to what disorders this phrase refers. The Examiner also alleges that claims 60

and 67 are indefinite because they recite “metastatic condition,” and it is unclear what conditions other than cancer could be metastatic. Without acquiescing in these rejections, and solely in an effort to further prosecution, Applicants have amended claims 60 and 67 to recite the inflammatory disorders listed in claim 59, and to replace the term “metastatic condition” with “metastasis.” Applicants believe that these amendments obviate the instant rejections. Accordingly, Applicants respectfully request that they be withdrawn.

Finally, the Examiner rejects claim 67 as allegedly indefinite because it recites “symptoms associated with organ transplant rejection” as a “condition,” but does not specify what particular symptoms are “conditions.” Without acquiescing in this rejection, and solely in an effort to further prosecution, Applicants have amended claim 67 to recite “organ transplant rejection.” Applicants believe that this amendment obviates the instant rejection. Accordingly, Applicants respectfully request that it be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request withdrawal of these rejections and timely allowance of the pending claims. Should the Examiner have remaining questions or concerns regarding this application, Applicants request that the Examiner contact the undersigned at 202-408-4086 to schedule an interview to discuss the application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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